

Exhibit D

INDEX

3 WITNESS EXAMINATION BY PAGE

ANAND DASRATH MS. MC LAUGHLIN

Document

Copy of transcript

E-mails

Transcript

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Letter

Transcript

Letter

דבירם

11 - 1

Letter

Letter

S Affidavit in opposition 150

1 A. DASRATH

2 A. No.

3 Q. So, after --

4 A. I'm not sure if it was just
5 friends, but to the best of my knowledge
6 that's how I came up with this idea of
7 getting on this web site.

8 Q. So, when you access the web
9 site what do you see?

10 A. I saw that an F was posted for
11 me.

12 Q. Was there any break down of the
13 grade or it just has the course name and the
14 grade?

15 A. I don't recall everything I
16 saw, I just saw the course name and an F.

17 Q. Did you maintain a copy of what
18 you saw on the web site?

19 A. The web site somehow does not
20 allow to print. I couldn't printout
21 anything.

22 Q. When you saw the failing grade
23 in the course, what did you do?

24 A. I attempted to contact Dr.
25 Fernandez.

1 A. DASRATH

2 Q. At this time, are you in Miami
3 still in April of 2006 or are you back in New
4 York?

5 A. I'm back in New York.

6 Q. When did classes end, I'm sorry
7 you, said April 7th, 2006?

8 A. Yes.

9 Q. And then you left immediately
10 after for New York?

11 A. Yes.

12 Q. How did you try to contact Dr.
13 Fernandez?

14 A. By phone.

15 Q. And did you get a response?

16 A. Not immediately. Eventually I
17 did get a response from Dr. Fernandez.

18 Q. Was that by phone or in person?

19 A. By phone.

20 Q. Do you recall when that was?

21 A. Maybe late April or early May
22 2006.

23 Q. And what did he say to you in
24 that conversation? Was it with Dr.

25 Fernandez?

1 A. DASRATH

2 those five parts.

3 Q. You do have proof of those five
4 parts because you have a certification?

5 A. Yes.

6 Q. What is clinical clerkship?

7 A. A clinical clerkship is

8 something that starts after you pass the

9 USM&L step I.

10 Q. There is no clinical clerkship
11 that starts during the AICM course?

12 A. No.

13 Q. There is no clinical clerkship
14 in the AICM class?

15 A. You have to first pass your
16 USM&L step I otherwise you are not authorized
17 to do clinical stuff on live patients.

18 Q. You told them to look into the
19 grade, something might be wrong and what did
20 he respond? How did he respond?

21 A. He responded aggressively. He
22 doesn't like to be told he's wrong.

23 Q. What did he say to you exactly?

24 A. He told me no.

25 Q. And that was it?

1 A. DASRATH
2 A.. I don't recall the exact
3 conversation. But, from what I gathered he
4 says no.
5 Q. He said no, the grade is not
6 wrong?
7 A.. Something to that effect, yes.
8 Q. Is that the end of your
9 conversation?
10 A.. Yes.
11 Q. Did you have any other further
12 conversations with him?
13 A.. I don't recall any other
14 conversations.
15 Q. It was just one phone call as
16 far as now?
17 A.. Yes.
18 Q. Did you have any conversations
19 with anyone else at Ross about your score for
20 the AICM course?
21 A.. Yes.
22 Q. Who was that with?
23 A.. Dr. Nancy Perri.
24 Q. When did you speak to Dr.
25 Perri?

1 A. DASRATH

2 A. It might be late April or early

3 May. Soon after speaking to Dr. Fernandez.

4 Q. How did you speak to her

5 face-to-face or by phone?

6 A. By phone.

7 Q. And she called you or you
8 called her?

9 A. I called her.

10 Q. What did you say to her?

11 A. I told her something is wrong
12 with the AICM course. If she could look
13 into it.

14 Q. How did she respond?

15 A. She said yes, she will look
16 into it.

17 Q. Is that the first time that you
18 spoke to Dr. Perri during your time at Ross
19 University?

20 A. Yes.

21 Q. And why did you call Dr.
22 Perri?

23 A. Because Dr. Perri is Dr.

24 Fernandez' boss.

25 Q. Was that the end of your

192

INDEX

EXAMINATION BY PAGE

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DESCRIPTION PAGE

Document

Copy of transcript

E-mail

Transcribt

גָּתָן

111

לעגנאל

Letter

USMLE application

Affidavit

Handbook

LETTER.

Letter

Affidavit in opposition

1 A. DASRATH
2 conversation, she said she will look into it
3 and get back to you?

4 A. Yes.

5 Q. Did you have any further
6 conversations with her?

7 A. I tried a number of times to
8 speak to her again.

9 Q. And how did you try, by e-mail
10 or by phone?

11 A. I tried by phone at first and
12 then by e-mail.

13 Q. Did you ever reach her on the
14 phone or by e-mail?

15 A. On the phone I heard somebody
16 in the background with the voice I think was
17 hers. But she has a secretary called Judy.

18 Judy answered the phone.

19 I hear Judy will call to her
20 that Dr. Perri and Anand Dasrath is on the
21 phone again and I heard a voice simulating
22 her saying tell him I'm in Dominica. That
23 happened a few times.

24 Q. Did you eventually speak to her
25 again after that first conversation?

1 A. DASRATH

2 A. No.

3 Q. Did you communicate with her
4 through e-mail after that first
5 conversation?

6 A. Yes.

7 Q. What were the e-mails
8 regarding?

9 A. The same thing. I sent her a
10 reminder e-mail telling her there is still a
11 problem with my AICM course. If she could
12 look into it.

13 Q. Did she get back to you?

14 A. She replied, yes.

15 Q. What did she say?

16 A. That she will look into it
17 again she said she was in Dominica. She
18 always says she is in Dominica regardless. I
19 spoke to other students and that is what she
20 tells the other students if any of them have
21 a problem, that she is in Dominica.

22 Q. What other students told you
23 that?

24 A. Other friends that I took with
25 the class.

Exhibit J 2

192

1

2 INDEX

3 WITNESS EXAMINATION BY PAGE

4 ANAND DASRATH MS. McLAUGHLIN 4

5

6 EXHIBITS

7 DEFENDANT'S	8 DESCRIPTION	9 PAGE
A	Document	13
B	Copy of transcript	20
C & D	E-mails	47
E	Transcript	57
F	E-mail	87
G	Memo	99
H	E-mail	111
I	Letter	115
J	Transcript	118
K	Letter	121
L	Letter	123
M & N	USMLE application	129
O	Affidavit	135
P	Handbook	140
Q	Letter	144
R	Letter	145
S	Affidavit in opposition	150
25		

1 A. DASRATH

2 Q. Do you know their names?

3 A. Yeah, one of them was Bahar.

4 Q. That is the first name or last
5 name?

6 A. That is his first name. I
7 don't recall his last name.

8 Q. Did anyone else tell you that
9 said she's in Dominica when she call?

10 A. Yes, Anish.

11 Q. First name or last name?

12 A. That, is the first name.

13 Q. Do you know the last name?

14 A. I don't remember the last
15 name.

16 Q. Anyone else?

17 A. And they told me they heard
18 other people saying the same thing.

19 MS. McLAUGHLIN: Can we mark
20 this document, please.

21 (Whereupon, the aforementioned
22 e-mail was marked as Defendant's
23 Exhibit F for identification, as of
24 this date, by the Reporter.)

25 Q. I ask you to take a look at

MEMORANDUM FOR THE RECORD - April 24, 2006

Dr. Fernandez conferred today by telephone with Anand Dasrath about the failing grade he earned for the 5th semester just concluded. Dr. Fernandez informed Anand that he was essentially two Standard Deviations from the norm. He said that Anand earned a C on the midterm exam, failed the final exam and had a very low score on the essay portion (63 out of a possible 200). He remarked that the lowest grade had been 61. He told Anand that he failed the first write-up and got a marginal on the second. He said that would have been okay had everything else also been okay. He noted that Anand failed the PE and had remediated that. He said that Anand's overall grade placed him at the bottom of the class. He reminded Anand that extra credit cannot be applied to a failing grade.

Dr. Fernandez told Anand that he would have to repeat the semester.

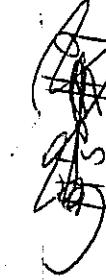
May start May 22
Will do three weeks of clinicals
Must do one write-up until a grade of Satisfactory or better is achieved
Is exempt from Epi and the PE
Must attend Large and Small Group sessions (except for Epi)
Must take Mid-term and Final

Dr. Fernandez told Anand that he would get individualized attention to help him succeed.

Dr. Fernandez noted that Anand passed the Comp. He pointed out that he could, if he wishes, defer starting 5th semester until September, freeing up the interval for preparing for Step 1. He said that if he chose to come in May he could extend his Step 1 window to July, August, September.

Anand asked how he could have scored so poorly on the essays and said he worried that his handwriting had challenged the graders. Dr. Fernandez said that he had graded two of the seven essays himself. He did not recall trouble with anyone's handwriting and had not heard of a problem from anyone else. He reported that on the stroke essay Anand earned 5 out of a possible 25 points; on Graves got no points, none for hepatitis, on sexual issues and HIV about the average, 20 of 50 on essay #7 ...

Anand asked if he would have to repeat the semester in its entirety. Dr. Fernandez explained that he would have to do the components listed above. Anand wondered if Dr. Fernandez knew that he had spent some 22 years in hospitals as a pharmacist and that, consequently, he found the clinical activities to be not meaningful. Dr. Fernandez said he regretted that Anand had not mentioned his dissatisfaction earlier but promised to make sure to work closely with Anand to ensure the relevance of the activities he is assigned. In answer to Anand's question, he said that he would be responsible for full tuition but would be eligible for financial aid.



1 A. DASRATH

2 you failed the course?

3 A. No.

4 Q. So, in April of 2006 you didn't
5 fail the course?

6 A. No.

7 Q. And in August of 2006, you
8 didn't believe that you failed the course?

9 A. No.

10 Q. You said you had a conversation
11 with Dr. Fernandez by phone.

12 We talked about that earlier?

13 A. Yes.

14 MS. McLAUGHLIN: I have another
15 exhibit.

16 (Whereupon, the aforementioned
17 memo was marked as Defendant's Exhibit
18 G for identification, as of this date,
19 by the Reporter.)

20 Q. I'm going to ask you to take a
21 look at that memo.

22 A. Yes, I took a look at this

23 memo.

24 Q. Showing the witness what has
25 been marked as Exhibit G and it is entitled

1 A. DASRATH

2 memorandum for the record, April 24th, 2006.

3 I will ask you have you seen
4 this prior to you sitting here today?

5 A. Yes.

6 Q. When was the first time that
7 you saw this?

8 A. When the case was in the

9 Supreme Court. I believe it was 2006.

10 Q. First line says Dr. Fernandez
11 conferred today by telephone with Anand
12 Dasrath about the failing grade he earned for
13 the fifth semester just concluded.

14 Does that make sense that April
15 24th, 2006 would have been the time you
16 called or spoke with at least Dr. Fernandez
17 on the phone?

18 A. Yes, it seems to be.

19 Q. Dr. Fernandez informed Anand
20 that he was essentially two Standards
21 Deviations from the norm.

22 Did he communicate that to you
23 during that phone conversation?

24 A. No.

25 Q. He said that Anand earned a C

192

	DEFENDANT'S	DESCRIPTION	PAGE
1			
2			
3	WITNESS	EXAMINATION BY	
4	ANAND DASRATH	MS. McLAUGHLIN	4
5			
6			
7			
8	A	Document	13
9	B	Copy of transcript	20
10	C & D	E-mails	47
11	E	Transcript	57
12	F	E-mail	87
13	G	Memo	99
14	H	E-mail	111
15	I	Letter	115
16	J	Transcript	118
17	K	Letter	121
18	L	Letter	123
19	M & N	USMLE application	129
20	O	Affidavit	135
21	P	Handbook	140
22	Q	Letter	144
23	R	Letter	145
24	S	Affidavit in opposition	150
25			

1 A. DASRATH

2 A. I don't recall.

3 Q. Did you call anyone concerning
4 your status?

5 A. I don't recall.

6 Q. Did you call about

7 re-registering for the AICM course for the

8 May 22nd start date?

9 A. I never called to re-register.

10 Q. They decide if they register, who they
11 register and we don't have access to
12 registration procedures in their computer.

13 Q. So, the first time that you

14 failed -- when you fail the genetics class
15 in the first semester, did you have to retake
16 that immediately after failing?

17 A. Yes.

18 Q. And did you register for it?

19 A. They did it.

20 Q. And how did that work?

21 A. They register and tell you to
22 pay a certain amount of money. They send you
23 a bill.

24 Q. Were you sent a bill after the
25 end of the May 2006 semester?

1 A. DASRATH

2 A. No.

3 Q. You weren't sent any further
4 bills?

5 A. No.

6 Could you repeat the last
7 question.

8 MS. McLAUGHLIN: Repeat it for
9 me.

10 (Whereupon, the referred to
11 question was read back by the
12 Reporter.)

13 A. The semester had ended in April
14 and not May.

15 Q. I'm sorry. After the end of
16 the April semester --

17 A. I did not receive any bills or
18 pre-registration material.

19 Q. What is the NBME?

20 A. NBME, that is the National
21 Board of Medical Examination.

22 Q. Is that an exam that you
23 took?

24 A. Yes.

25 Q. When did you take that?